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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,677	04/17/2001	Sapoty Brook		9883

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SAPOTY BROOK
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EXAMINER

GARRETT, ERIKA P

ART UNIT PAPER NUMBER

3636

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,677

Applicant(s)

BROOK, SAPOTY

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,15 and 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The applicant needs to show where the fixing means is located throughout the drawing because it is unclear to how the fixing means is fixed to the backrest to the base upper skin. It is unclear and confusing of how the air passage is used between the base and backrest that allows air to flow between the base and backrest, and how the backrest flexes and allows it to recline.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,5,7 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear and confusing to what non-translocatable means. Applicant attention is drawn to the phrase "a fixing means to fix

the backrest to the base is unclear of how this works. It is not shown properly on the drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 as best understood is rejected under 35 U.S.C. 102(e) as being anticipated by Kojic (6,042,186). Kojic discloses the use of a convertible inflatable furnishing comprises an inflatable base (142) including a base lower skin which forms a layer of the upper side of the base, a base lower skin which forms a layer of the lower side of the base, and a rim (146) side which links the edge of the upper side of the base to the edge of the lower side of the base, an inflatable base (144), a fixing means (148) to fix the backrest to the base; an air passage (figure 6b) between the base (142) and the backrest (144) allowing a flow of air between the inside of the base and the inside of the backrest when loads on the base and backrest change; the first and second joining means are non-translocatable; the fixing means is sufficiently flexible to allow the backrest to recline and erect increasingly with deflation of the backrest including when the backrest is under an increasing load. Kojic further includes a bladder (192) fully enclosed by a cover (210); the cover applies a tension throughout so that shape of the cover substantially determines the shape of the furnishing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7 and 15 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojic in view of (5,608,931). Kojic shows the use of all the claimed invention but fails to show the use of a connecting means completely inside of the backrest, wherein the connection means includes an elastic material biasing the region of the base upper skin to the front side of the backrest. Gancy teaches the use of a connecting means (30) completely inside of the backrest, wherein the connection means (30) includes an elastic material biasing the region of the base upper skin to the front side of the backrest. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the inflatable furnishing with a connecting means completely inside of the backrest, wherein the connection means includes an elastic material biasing the region of the base upper skin to the front side of the backrest as taught by Gancy, in order to provide a flexible support to the backrest.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojic as applied to claims 1 and 15 above, and further in view of Peterson (6,012,778). Kojic shows the use of all the claimed invention but fails to show the use of a tubular bladder. Peterson teaches the use of a tubular bladder (30). It would have been obvious to one

of ordinary skill in the art at the time of invention to modify the bladder as taught by Peterson, in order to give more support the seat back.

Response to Arguments


Applicant's arguments with respect to claims 1,5,7 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to inflatable furnishing: U.S Pat. No. US005292176A, US006161902A, 1976320, and 2623574.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600

EG
October 28, 2003